



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(SET-I)

(i) TA-648-2024 (O&M)

Sahib Singh
...Applicant

VERSUS

Union of India and others
...Respondents

(ii) TA-663-2024 (O&M)

Nanak Singh
...Applicant

VERSUS

Union of India and others
...Respondents

(iii) TA-664-2024 (O&M)

Babaljit Singh
...Applicant

VERSUS

Union of India and others
...Respondents

(iv) TA-667-2024 (O&M)

Baljit Singh
...Applicant

VERSUS

Union of India and others
...Respondents

(v) TA-668-2024 (O&M)

Balwant Singh
...Applicant

VERSUS



TA-648-2024 and connected cases

Union of India and others
...Respondents
(vi) TA-674-2024 (O&M)
Ranjit Kaur
...Applicant

VERSUS

Union of India and others
...Respondents
(vii) TA-676-2024 (O&M)
Paramjit Kaur
...Applicant

VERSUS

Union of India and others
...Respondents
(viii) TA-677-2024 (O&M)
Makhan Singh
...Applicant

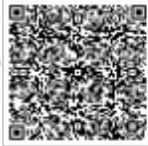
VERSUS

Union of India and others
...Respondents
(ix) TA-678-2024 (O&M)
Paramjit Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(x) TA-762-2024 (O&M)
Gurpal Singh since deceased through LRs
...Applicant

VERSUS



TA-648-2024 and connected cases

Union of India and others
...Respondents
(xi) TA-763-2024 (O&M)
Satnam Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xii) TA-764-2024 (O&M)
Harpreet Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xiii) TA-766-2024 (O&M)
Balwant Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xiv) TA-767-2024 (O&M)
Chamkaur Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xv) TA-778-2024 (O&M)
Hakam Singh
...Applicants

VERSUS



TA-648-2024 and connected cases

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Union of India and others
...Respondents
(xvi) TA-780-2024 (O&M)

Lahori Ram and another
...Applicants

VERSUS

Union of India and others
...Respondents
(xvii) TA-782-2024 (O&M)

Dharamjit Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xviii) TA-783-2024 (O&M)

Manjit Kaur
...Applicant

VERSUS

Union of India and others
...Respondents
(xix) TA-784-2024 (O&M)

Surjit Singh
...Applicant

VERSUS

Union of India and others
...Respondents
(xx) TA-946-2024 (O&M)

Mewa Singh since deceased through LRs
...Applicant

VERSUS



TA-648-2024 and connected cases

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Union of India and others

...Respondents

Present: Mr.Ranjit Saini, Advocate
for the applicants.

Mr.Kamalveer Kang, Mr.Ashish Chaudhary, Mr.Vinay Gaur and
Ms.Swinki Mehta, Advocates for respondent No.1-UOI/NHAI.

Ms.Jagriti Kalia, AAG, Punjab
for respondents No.2 to 4.

(SET-II)

(i) TA-1067-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Harpreet Singh and others

...Respondents

(ii) TA-1068-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Manjit Kaur and others

...Respondents

(iii) TA-1069-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Ranjit Kaur and others

...Respondents

(iv) TA-1072-2024 (O&M)

National Highways Authority of India

...Applicant



TA-648-2024 and connected cases

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VERSUS

Paramjit Kaur and others

...Respondents

(v) TA-1074-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Makhan Singh and others

...Respondents

(vi) TA-1075-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Babaljit Singh and others

...Respondents

(vii) TA-1076-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Gurpal Singh through his LRs and others

...Respondents

(viii) TA-1077-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Surjit Singh and others

...Respondents

(ix) TA-1078-2024 (O&M)

National Highways Authority of India

...Applicant



TA-648-2024 and connected cases

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VERSUS

Hakam Singh and others

...Respondents

(xx) TA-1079-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Baljit Singh and others

...Respondents

(xxi) TA-1080-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Satnam Singh and others

...Respondents

(xxii) TA-1081-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Sahib Singh and others

...Respondents

(xxiii) TA-1082-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

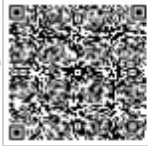
Lahori Ram and others

...Respondents

(xxiv) TA-1083-2024 (O&M)

National Highways Authority of India

...Applicant



TA-648-2024 and connected cases

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VERSUS

Chamkaur Singh and others

...Respondents

(xxv) TA-1084-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Balwant Singh and others

...Respondents

(xxvi) TA-1085-2024 (O&M)

National Highways Authority of India

...Applicant

VERSUS

Nanak Singh and others

...Respondents

Present: Mr.Kamalveer Kang, Mr.Ashish Chaudhary, Mr.Vinay Gaur and Ms.Swinki Mehta, Advocates for the applicant.

Mr.Ranjit Saini, Advocate
for respondent No.1.

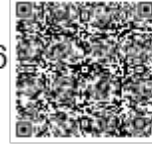
Ms.Jagriti Kalia, AAG, Punjab
for respondents No.2 to 4.

Date of Decision: September 09, 2024

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

ARCHANA PURI, J.

Set-I is the bunch of transfer applications, the detail whereof,

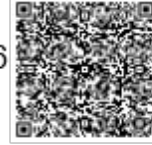
**TA-648-2024 and connected cases****-9-**

has been given in the headnote, filed by the applicants-land owners, thereby, seeking transfer of the objection petitions filed by Union of India, pending in the Courts at Barnala, and they seek transfer of the same to the Court of competent jurisdiction at Patiala.

Set-II is the bunch of transfer applications filed at the instance of National Highways Authority of India (NHAI), thereby, seeking transfer of the objection petitions filed by various land-owners, which are pending adjudication in the Courts at Patiala, and they seek transfer of the same to the Court of competent jurisdiction at Barnala.

As culled out from the paperbook, the Union of India, under the National Highways Act, 1956, had compulsorily acquired land of the land-owners, situated at village Badbar, Teshil and District Barnala. In pursuance of the Notification under Section 3D of the ibid Act, the Collector announced the Award dated 20.01.2014. In consonance with the provisions of the Act, the Government of India, Ministry of Road Transport and Highways, on 24.09.2014, appointed Divisional Commissioner, Patiala, as Arbitrator, to resolve the issue, arising out of the acquisition by the National Highways Authority of India. Thereupon, the Arbitrator passed Award on 04.05.2020. The Arbitrator did not make further enhancement, but held the applicants-land-owners of Set-I, to be entitled to 100% solatium along with interest.

The Award dated 04.05.2020 passed by the Arbitrator-cum-Commissioner, Patiala Division, Patiala was challenged by Union of India before learned Addl. District Judge, Barnala, by way of filing of objection petitions under Section 34 of the Arbitration and Conciliation Act, 1996.



Even, the land-owners had challenged the aforesaid consolidated Award dated 04.05.2010, before learned Addl. District Judge, Patiala, which is also pending adjudication.

In this backdrop, applicants of Set-I, have filed the transfer applications for seeking transfer of the objection petitions filed by the Union of India from Courts at Barnala to the competent Court of jurisdiction at Patiala.

Likewise, NHAI has also filed various transfer applications (Set-II), thereby, seeking transfer of the objection petitions filed by the land-owners, which are pending before the Courts at Patiala and as such, they sought the transfer of the same, to the Court of competent jurisdiction at Barnala.

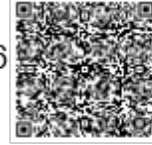
At this juncture, it is pertinent to mention that the transfer applications, relating to Set-II, were put up today before this Court, for the first time and both the sets of transfer applications were taken up together.

Notice of motion in Set-II of the transfer applications.

Learned counsel making appearance on behalf of the applicants of Set-I, made appearance on behalf of respondents No.1, in Set-II of the transfer applications. He also made statement that the contents of transfer applications of Set-I, be read as reply, in Set-II of the transfer applications. Likewise, learned counsel making appearance on behalf of respondents No.2 to 4, in Set-I, also made appearance on behalf of respondents No.2 to 4 in Set-II.

Learned counsel for the parties heard.

At the very outset, it is pertinent to mention that earlier the transfer applications of the cases, as detailed in the order dated 14.10.2021,



copy whereof is Annexure P-4, were filed, which related to transfer of the objection petitions filed by the land-owners, vis-a-vis, compulsory acquisition by NHAI under the National Highways Act, 1956. Qua the Award passed, this Court vide order dated 14.10.2021, had transferred various cases, as detailed in the transfer applications, to the respective places, where the acquired land was located. In this context, it is also submitted by learned counsel for the applicants-land-owners of Set-I of the transfer applications that since the objection petitions were filed by the Union of India to assail the same Award, which already stood transferred to Patiala, all the aforesaid transfer applications be accepted and objection petitions, filed at the instance of Union of India, be also transferred to the Court of Competent jurisdiction at Patiala.

However, learned counsel for respondent No.1-NHAI of Set-I, has resisted the claim for transfer of the objection petitions filed by UOI. It is submitted that no doubt, the order dated 14.10.2021 was passed by this Court, thereby, transferring the bunch of objection petitions, but however, it is submitted that petitions/objections, as detailed in the said order, were transferred, while taking into consideration, the same to be relating to the objections filed by the land-owners and the land to be situated at the respective places. It is submitted that by overlooking the factual position, the said order dated 14.10.2021 was passed, qua Arbitration No.06/2020 titled as 'Union of India vs. Sarwan Singh and others'. Since, it was erroneously, so ordered, it ought not to be taken into consideration, to dispose of the applications, in hand, as it is against the policy, with regard to transfer of the objection petitions filed in acquisition cases.



It is pertinent to mention that vide order dated 14.10.2021 (Annexure P-4), bunch of transfer applications, relating to the objection petitions filed by the land-owners were allowed. Undisputedly, 'Union of India vs. Sarwan Singh and others', is the case, which was transferred from Barnala, to the Court of competent jurisdiction at Patiala. This related to the land situated at Barnala. This fact, as such, is not disputed, even by learned counsel for NHAI.

Considering the same, it is submitted by learned counsel for respondent No.1-NHAI that gist of the observations made by the Court, while passing the transfer order, as such, is being overlooked by way of filing of the present applications. It is further submitted that it is against the policy formulated on 11.10.2021, which has been reproduced, in the order Annexure P-4.

Considering the number of transfer applications being filed, with regard to the compulsory acquisition of the land by Union of India, which was pending in different Courts, a policy decision was taken by the National Highways Authority of India, by an Office order dated 11.10.2021, which for the convenience of discussion, is reproduced, in verbatim, as herein given:-

“Sub: Transfer applications pending in the Hon'ble Punjab and Haryana High Court, Chandigarh, regarding adjudication of Land Acquisition disputes in Civil Courts.

1. It has come to the notice of this office through representation received from Sh. DK Singal, Advocate, that in some court cases regarding land acquisition, land owners have filed the petitions before Hon'ble Punjab and Haryana High Court, Chandigarh seeking transfer of the petitions filed by NHAI.

2. Keeping in view the filing and pendency of the number of transfer applications arising out of the acquisition under



National Highways Act, Hon'ble Punjab and Haryana High Court, Chandigarh has observed that in case some policy is framed at the end of NHAI, the filing of transfer applications in the High Court would be avoided.

3. In this regard, it has been decided that NHAI would file objections petition under Section 34 of the Arbitration and Conciliation Act in Civil Courts, where the land has been acquired and not at the location of Arbitration proceedings to facilitate/convenience of the land owners/NHAI and avoid multiplicity of proceedings. However, the said directive is subject to compliance of mandate of Section 42 of the Arbitration and Conciliation Act, 1996.

4. This issue with the approval of RO Chandigarh in supersession of earlier office order No.NHAI/RO/CHD/11018/2633-3722 dated 30.09.2021.

Yours faithfully,

sd/-

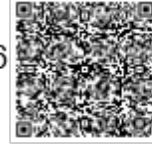
11.10.2021

(Gautam Vishal)

General Manager (Tech)”

The aforesaid policy is stated to be prospective in nature and takes care of the objections, which are filed subsequent to the policy decision. However, the requisite transfer order was passed, which related to the matters, which were already pending on date of implementation of the policy decision. This is stated to be distinction, which can be drawn and on this basis, learned counsel for respondent No.1-NHAI, submits that the present Set-I of transfer applications, ought not to be allowed.

On query by the Court, it has been submitted learned counsel for NHAI that Set-II of transfer applications, relate to the same matters of which the transfer applications have been filed by the applicants of Set-I. On further query by the Court, it has been fairly conceded by learned counsel for NHAI that the order dated 14.10.2021, which is stated to have been erroneously passed qua the case titled as ‘Union of India vs. Sarwan



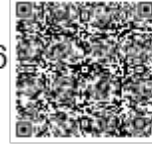
Singh and others', no further application has been filed before any Court, to assail the correctness of the said order. Also, it is not disputed that the objection petitions by the land-owners, relating to the same Award dated 20.01.2014, are pending adjudication in Patiala.

In these circumstances, even though, the objection petitions filed by the Union of India, are later in time than the policy so formulated by the National Highways Authority of India, but however, they ought to be transferred, as proceeding of two objection petitions, one filed by the land-owner and other filed by Union of India, arising from the same Award, tried by two different Courts, will create a very chaotic situation and chances of contradictory orders being passed, as such, cannot be ruled out. To avoid arising of such a situation, it is required and it is appropriate that both the set of objection petitions, are decided by one and the same Court.

No doubt, as per the policy of NHAI, the objection petitions shall be filed by NHAI under Section 34 of the Arbitration and Conciliation Act, in Civil Courts, where the land has been acquired and not at the location of the arbitration proceedings, to facilitate/convenience of the land-owner and to avoid multiplicity of proceedings, but however, this clause, as such, is not followed by the NHAI itself.

During the course of arguments, learned counsel for applicants of Set-I, has placed on record, the application/objection petition filed by the NHAI, with regard to one Award passed on 08.12.2023, wherein, in paragraph No.22 of the said objection petition, the National Highways Authority of India itself is stating, as herein given:-

“That this Hon’ble Court has the jurisdiction to entertain and try the present petition as the Arbitration proceedings have

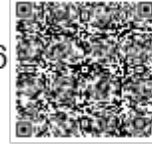


taken place in District Patiala, Punjab as the seat of the Arbitrator is at Patiala and copies of the award was issued by Ld. Arbitrator at Patiala.”

Likewise, learned counsel has also placed on record, the list of various objection petitions, filed by NHAI, thereby, raising objections, qua the Award dated 08.12.2023, which related to acquisition of the land situated in village Ramgarh, Teshil Tapa, District Barnala. Qua the same also, even though, the land was situated at Tapa, District Barnala, but however, the objections were filed at Patiala. Both the Awards related to acquisition of land situated in Barnala. This itself reflects that National Highways Authority of India, is not complying with its own policy decision.

Likewise, Set-II of transfer applications has been filed by National Highways Authority of India, whereby, it is seeking transfer of the objection petitions, filed at the instance of land-owners, relating to the Arbitral Award, which forms the basis of transfer applications of Set-I.

On the same analogy, as observed aforesaid, the objection petitions filed by the land-owners, qua which the Set-II of transfer applications, has been filed by the NHAI, ought to be decided, by the Court of competent jurisdiction at Patiala, which have arisen out of the lead cases, which were transferred vide order dated 14.10.2021. Since, the date of passing of the aforesaid order, the same has not been challenged by NHAI before any Court. The present set of applications have been filed at a belated stage, now to undo the order of this Court and thus, the order of transfer applications earlier filed, as such, cannot be nullified, in this manner, by seeking transfer of the objection petitions, arising from the same cases, which stood transferred.



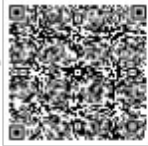
In the light of the analogy, as observed aforesaid, with regard to the objection petitions, to be decided by one and the same Court, as observed aforesaid, Set-II of the transfer applications, stand dismissed.

However, Set-I of the transfer applications, stand allowed and cases mentioned in Set-I of the transfer applications, are hereby transferred from the Courts at Barnala, to the Court of competent jurisdiction at Patiala.

The transferer Court is requested to remit all the files of the aforesaid cases of Set-I of the transfer applications to the transferee Court forthwith. The parties through their respective counsel, are directed to appear before the Court of District Judge, Patiala, on 23.10.2024, who shall retain the matters to himself or assign it to the Court of competent jurisdiction at Patiala.

Even though, the objection petitions of Set-I of the applications, were filed after the policy decision dated 11.10.2021, but however, due to the peculiar circumstances, arising out of the one set of objection petitions having already transferred vide order dated 14.10.2021, copy whereof is Annexure P-4, the transfer applications of Set-I have been accepted, on this account to avoid passing of the conflicting orders by the Court. However, the order aforesaid, shall not have any binding precedent, vis-a-vis, the objection petitions (if any) filed after the policy decision dated 11.10.2021, which has been reproduced in the earlier portion of this order and the same shall be decided, on its own merits, uninfluenced by this order.

In the light of the aforesaid order, learned counsel for respondent No.1-NHAI, also made request for issuance of directions to the Court, for expeditious disposal of the cases. Considering the age of the



TA-648-2024 and connected cases

Award as well as the objection petitions, learned Court concerned, which shall be dealing with the objection petitions, shall make an endeavour for expeditious disposal of the same.

September 09, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No